UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC

And

Case No. 5-CA-31828

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS, COMMUNICATIONS WORKERS OF AMERICAN, LOCAL 31, AFL-CIO,

And

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC

And

Case No. 5-CA-33125 (formerly 2-CA-36129)

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS, COMMUNICATIONS WORKERS OF AMERICAN, LOCAL 11, AFL-CIO.

CNN AMERICA, INC.'S REQUEST FOR LEAVE TO FILE AN APPENDIX TO ITS BRIEF IN SUPPORT OF ITS EXCEPTIONS

Consistent with the prior decisions of the Executive Secretary and Associate Executive Secretary in this case, Respondent, CNN America, Inc. ("CNN"), respectfully requests leave to file an appendix as an amendment to its brief in support of its exceptions. In support of this request, CNN states as follows:

1. The Board's Rules and Regulations do not provide for appendices to briefs outside of the page limits and format requirements applicable to briefs. CNN prepared an appendix relating to certain evidentiary issues and errors by Judge Amchan, to accompany its brief on February 17, 2009; however, CNN did not file the appendix, because such appendices are not permitted by the Board's Rules and Regulations and because CNN determined to comply with the Executive Secretary's order limiting its brief to 225 pages in length.

- 2. On March 18, 2009, the Associate Executive Secretary reconsidered his March 3, 2009 decision denying the General Counsel' request to file appendices, and granted the General Counsel permission to file appendices in addition to its briefs. Pursuant to these decisions, the General Counsel is now allowed to file (1) cross-exceptions, a 100-page brief in support of its cross-exceptions, and 30 pages of appendices on 11 x 14 paper on April 2, 2009, and (2) a 225-page brief answering CNN's exceptions together with 90 pages of appendices on 11 x 14 paper on May 18, 2009.
- 3. CNN requests that it be allowed to file, as an amendment to its brief in support of its exceptions, the appendix it previously prepared. This appendix would be no longer than 65 pages on 8½ inch by 14 inch single-spaced paper.
- 4. Allowing CNN to file this appendix will promote fairness, because the General Counsel has been given the opportunity to file appendices, and the exception to the rule to allow appendices was not made until after CNN had already submitted its brief. It would be a manifest injustice to allow the General Counsel to file appendices and preclude CNN from filing such documents.
- 5. Submission of this appendix would not prejudice the General Counsel. The General Counsel will have ample time to respond to the appendix, because nearly two months remain before the General Counsel's brief is due. Additionally, the General Counsel stated that it would not object to CNN being given "equal opportunity to submit appendices" in its March 6, 2009 request for reconsideration.

WHEREFORE, CNN respectfully requests that the Associate Executive Secretary issue an order permitting CNN to file an appendix, as set forth above.

Respectfully Submitted,

PAUL, HASTINGS, JANOFSKY & WALKER ILP

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COUNSEL FOR RESPONDENT CNN AMERICA, INC.

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UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC, JOINT EMPLOYERS

and

Case 5-CA-31828

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AFFIDAVIT OF SERVICE

Eric Engberg, being duly sworn, deposes and says as follows:

- 1. I am over 18 years of age, am not a party to this proceeding, and am employed by the law firm of Paul, Hastings, Janofsky & Walker LLP, 875 15th Street, N.W., Washington, D.C. 20005.
- 2. On the 26th day of March, 2009, I filed, by E-file, CNN America, Inc.'s Request For Leave To File An Appendix To Its Brief In Support Of Its Exceptions, with Henry S. Breiteneicher, Associate Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570.

3. On the 26th day of March, 2009, I served one true and correct copy of CNN America, Inc.'s Request For Leave To File An Appendix To Its Brief In Support Of Its Exceptions, by e-mail, on the following:

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4. On the 26th day of March, 2009, I served one true and correct copy of, CNN America, Inc.'s Request For Leave To File An Appendix To Its Brief In Support Of Its Exceptions, by overnight delivery on the following and notified the same by telephone at the numbers below:

Steve Sturm, Esq. Sturm and Pearl 9 Wittman Drive Katonah, NY 10536 (914) 299-4007 National Association of Broadcast Employees and Technicians Local 11 145 West 30th Street, 12th Floor New York, NY 10001 (212) 757-3065 Communications Workers of America, District 2 c/o Jimmy Tarleu, Esq. 17000 Science Drive, Ste. 210 Bowie, MD 20715 (301) 809-4160

Mr. Larry D'Anna Team Video Services, LLC 4455 Connecticut Avenue, N.W., Suite 300 Washington, DC 20008 (202) 363-1000 NABET-CWA Local 52031 962 Wayne, Suite 400 Silver Spring, MD 20910 (301) 495-4999

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Eric Engberg

Sworn to before me this 26th day of March, 2009

Votary Public

Carole L. Stephens
Notary Public, District of Columbia
My Genmission Expires 2-14-2010